IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 293 of 2006 (S/B)

Ghanshyam Agarwal S/o Sri Ram Mohan Agarwal,
Presently posted as Assistant Engineer,
Uttaranchal Jal Sansthan at Mansi,
District Almora. ……. Petitioner

Versus

1. State of Uttaranchal through Secretary (Paya Jal), Dehradun.
2. Mukhya Maha Prabandhak, Uttaranchal Jal Sansthan "Jal Bhawan", Nehru Colony, Dehradun.
3. Executive Engineer, Uttaranchal Jal Sansthan, Ranikhet, Almora. ……. Respondents

Mr. Arvind Vashishth, Advocate for the petitioner.
Mr. J.P. Joshi, Chief Standing Counsel for respondents Nos. 1 & 3.
Mr. P.S. Bisht, Advocate on behalf of Mr. Rakesh Thapliyal, Advocate for respondent No. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Arvind Vashishth, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for respondents Nos. 1 & 3.

Mr. P.S. Bisht, Advocate on behalf of Mr. Rakesh Thapliyal, Advocate for respondent No. 2.

2. The learned counsel for the respondents have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal.

3. In this view of the matter, Mr. Arvind Vashishth, the learned counsel for the petitioner seeks permission to withdraw the writ petition with the liberty of filing a claim petition before the Public Services Tribunal and to seek condonation of the delay in filing the

Claim petition on the ground that the petitioner was pursuing this writ petition under bonafide belief.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

(J.C.S. Rawat, J.)
17.04.2007

(Rajeev Gupta, C. J.)
17.04.2007

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